IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2271 OF 2006

Shri Mohammed Raees ..Petitioner

Vs.

State of Maharashtra and ors. ..Respondents

Mr. Viquar S. Rajguru for petitioner.
Ms. S.V. Gajare, APP for State.
Mr. M.H. Solkar for respondent nos.2 and 4.

CORAM: B.H. MARLAPALLE, J.

Date : July 20, 2007.

P.C.:

1. Heard the learned counsel for the petitioner who claims to be one of the members of the Old Students Association for the last about 7 to 8 orders. Admittedly, the Old Students Association has already filed a civil suit for appropriate relief.

2. During the investigations the Police Inspector recorded the statements of the complainant as well as Shri Musib Ibrahim Khan, Shri Shaikh Najib Abdulla, Shri Iqbal Gulam Nabi Duldule, Shri Shaikh Abdul

Samad, Shri Modh. Ibrahim and Shri Sabbir Ali Khan. These statements were perused by the learned Magistrate and he held that the nature of the complaint was civil and, therefore, the civil remedy already having been invoked by the Old Students Association, it cannot be said that the learned Magistrate committed an error in dismissing the complaint by invoking his powers under Section 203 of Cr.P.C. No interference is called for in the impugned order dated 20/4/2006 in this petition under Article 227 of the Constitution.

3. Petition is rejected summarily.

(B.H. Marlapalle,J.)